

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:16-CV-765

WANZA COLE,	)	
	)	
Plaintiff,	)	
	)	NOTICE OF REMOVAL
v.	)	
	)	
WAKE COUNTY BOARD OF	)	
EDUCATION,	)	
	)	
Defendant.	)	

Defendant Wake County Board of Education ("the Board"), hereby gives notice that it is removing this action to the United States District Court for the Eastern District of North Carolina, Western Division, and as grounds therefore states as follows:

1. Plaintiff filed this action in Wake County Superior Court captioned as *Wanza Cole v. Wake County Board of Education*, Case No. 16-CV-8459 as well as an Application and Order Extending Time to File Complaint, on June 26, 2016 (herein after "Civil Action"). The Complaint and Civil Summons are attached as Exhibit "A" to this Notice.

2. Defendant received the Complaint and Civil Summons on July 29, 2016.

3. This action arises under federal law in that the plaintiff is seeking legal and equitable relief under 42 U.S.C. § 2000e (Title VII of the Civil Rights Act of 1964). Accordingly, the federal courts have jurisdiction of the matter pursuant to 28 U.S.C. §§ 1331 and 1343.

4. Defendant is entitled to remove this entire action pursuant to 28 U.S.C. § 1441.

5. The state law claims contained in the Complaint are removed pursuant to the doctrine of supplemental jurisdiction as provided by 28 U.S.C. § 1441(c).

6. The Notice of Removal is timely filed under 28 U.S.C. § 1446(b) in that it is filed within 30 days of defendant's receipt of the initial pleading purporting to set forth the claim for relief on which this action is based.

WHEREFORE, defendant hereby removes the Civil Action from the Superior Court of North Carolina to this Court.

This the 25th day of August 2016.

Respectfully submitted,

/s/ Adam S. Mitchell

Adam S. Mitchell

THARRINGTON SMITH, L.L.P.

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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that a copy of the foregoing NOTICE OF REMOVAL was electronically filed with the Clerk of the Court using CM/ECF and served this day via United States mail, postage prepaid, addressed to the following:

James E. Hairston, Jr.  
Hairston Lane, P.A.  
434 Fayetteville Street  
Suite 2350  
Raleigh, NC 27602  
*Attorney for Plaintiff*

This the 25th day of August 2016.

THARRINGTON SMITH, L.L.P.

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